

# MEMO



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FROM: Brian Brooke, Deputy Director of Innovation and Performance

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SUBJECT: Fare enforcement data review

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Following my review of the currently available data from Sound Transit's Fare Enforcement Program and review of the issues revealed by the audit of King County Metro's fare enforcement program, I find enough parallels to recommend a number of next steps, including both additional data collection and preparatory work to assess ST's fare enforcement procedures and penalty structures for possible alignment with some of the changes instituted by King County Metro. The primary purpose of doing so would be to determine if and how the outcomes of the fare enforcement program on Link light rail could better match agency social equity goals. While Sounder can adopt revisions developed for Link, any changes to agency fare enforcement should be completed before future light rail system expansion, implementation of bus rapid transit, and start of fare collection on Tacoma Link.

Although ST's documented fare enforcement procedures are inherently unbiased by design (assuming random selection of cars to be inspected and universal inspection of all riders in each inspected car), either the implementation of the enforcement procedures or external structural inequalities in the population served by transit are resulting in apparent racially inequitable outcomes: while black or African American residents constituted 6% of the King County population and 8% of Link riders in 2015, black or African American riders made up 25% of recorded fare evasion in that same year.

These figures may be somewhat misleading as the 6% and 8% figures represent percentages of individuals in the population, while the fare evasion statistics represent rider contacts rather than number of individuals, resulting in the demographics of habitual non-fare paying riders to be disproportionately represented (this was in fact the case in King County Metro's program audit). The data for a normalized comparison may already exist within ST's Fare Enforcement Program and simply need to be compiled.

Other data that we will want to collect to better measure the distributional outcomes of ST's fare enforcement processes would be to gather information on the income levels and housing status of

individuals receiving warnings, citations, or theft of service criminal complaints for non-payment of fare. Ideally we would collect full information about:

- race,
- income,
- housing status,
- boarding location,
- reasons for non-payment of fare, and
- eligibility for reduced fare programs (youth, senior, disabled, ORCA-LIFT, human services tickets)

for each non-fare paying rider at each stage of the progressive penalty process. Such data would allow us to better understand where socially inequitable outcomes become manifest in the fare enforcement processes, and may suggest avenues for avoidance or mitigation of those outcomes.

Regardless of any data analysis findings on the proportion of different demographic groups represented at the various stages of the fare enforcement process, ST should consider the disproportionate impact of financial and criminal penalties on people with few financial resources, those who are experiencing housing instability, or have other challenges which may decrease their ability to resolve fare-related fines and result in increasingly severe impacts such as late fees and penalties for non-payment of those fines.

### Recommendations

In the near term Sound Transit should consider implementing some of the programs and measures put into place by King County Metro that enable fare enforcement officers to help divert non-paying riders who are very low income or who are experiencing housing instability into fare media programs administered by transit agencies or human services partners. We could develop recommendations through engagement with the same stakeholder and advocacy groups used by King County Metro along with the Fare Enforcement Program, and fully engage in the ongoing regional work to develop new options designed to help remove financial burden as a barrier to mobility. However, to forestall a lengthy discussion about the desire by some advocates to eliminate fare payment entirely, we should establish up front that we cannot consider that option, and perhaps present a comparison of the regressive nature of taxpayer funding vs. the reliance on employer subsidies for support of the current fare program.

Designing other program changes to improve racial equity in program outcomes would best be pursued only after gathering additional information (as outlined above) to understand how and why the unbiased fare enforcement process results in what appear to be racially disparate outcomes. Independent observation of the fare enforcement process may reveal if there is unintended bias in the implementation of the procedures, and could also help us to understand the apparent discrepancy between the fare evasion rate recorded by the Fare Enforcement Program and that implied by a comparison of rider counts with fare payment counts.

Analysis of more detailed data about the individuals involved in various stages of the enforcement/penalty processes may indicate where to focus efforts to achieve more equitable outcomes. Again, engagement with advocacy groups and with King County would be helpful in this effort.

Finally, I recommend development of additional performance metrics (and perhaps performance incentives) around effectiveness of the fare enforcement program. At a minimum, this would include defining success as not only the ability to identify and cite fare evaders, but also as the ability to convert those riders to ongoing legitimate rider status. This would necessitate developing and providing fare enforcement staff with additional tools, and supporting those efforts with a broader outreach, communication and fare media strategy, especially for communities needing the greatest assistance.

Depending on the overall agency stance on social equity and our role as a public agency, we may wish to consider anything less than universal access to needed mobility as an opportunity for performance improvement.